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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 93-0278 JSW
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER EXCLUDING TIME FROM
v.)	SPEEDY TRIAL ACT CALCULATION
)	(18 U.S.C. § 3161(h)(8)(A))
MARIO AZCARATE,)	
)	
Defendant.)	

With the agreement of the parties, and with the consent of defendant Mario Azcarate, the Court enters this order documenting defendant's exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(c)(1), from February 15, 2007, to July 30, 2007. The parties agree, and the Court finds and holds, as follows:

1. Defendant agreed to an exclusion of time under the Speedy Trial Act. Defendant's counsel has another trial commencing in April. To allow defendant continuity of counsel, trial in the instant matter cannot reasonably commence until July. In light of this, failure to grant the requested continuance would unreasonably deny the defendant continuity of counsel and would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, in this case.

2. Given these circumstances, the Court found that the ends of justice served by excluding the period from February 15, 2007, to July 30, 2007, outweigh the best interest of the public and the defendant in a speedy trial. Id. at § 3161(h)(8)(A).

3. Accordingly, with the consent of the defendant and as confirmed by the Court at the hearings on February 15 and March 22, the period from February 15, 2007, to July 30, 2007, should be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: March 28, 2007

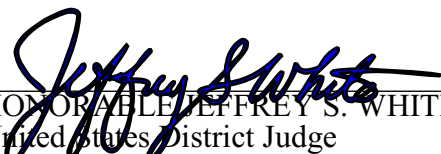
/s/
ALAN A. DRESSLER
Attorney for Defendant

DATED: March 22, 2007

/s/
ANDREW P. CAPUTO
Assistant United States Attorney

IT IS SO ORDERED.

DATED: March 30, 2007


HONORABLE JEFFREY S. WHITE
United States District Judge